

BEYER WEAVER & THOMAS, LLP

INTELLECTUAL PROPERTY LAW
500 12th Street, Suite 200, Oakland, CA 94607
Telephone: (510) 663-1100 Facsimile: (510) 663-0920
www.beyerlaw.com

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February 14, 2005

Receiver: Examiner Zimmerman (USPTO Central Fax)

FAX #: 703-872-9306

**Sender: Godfrey K. Kwan
Our Ref. No.: CISC256**

Application No: 09/934,975

Re: Page 8 of response originally filed on Nov. 12, 2004

Pages Including Cover Sheet(s): 02

MESSAGE:

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The Examiner also took Official Notice that "Although Ishiyama shows the channel interface and channel rate control contained within the transcoder rate control, it would have been obvious to split the units apart into their individual components." It is agreed that it is often trivial to split apart components into separate components. However, in the instance cited in Claim 1, channel rate control and transcoder rate control are coupled to different components.

As recited in claim 1, a "channel rate control" is "connected to said vbv buffer and said channel interface" and a "transcoder rate control" is "connected to said frame buffer, said encoder, said vbv buffer and said channel rate control." Ishiyama does not describe rate control connected to a frame buffer or rate control connected to a channel interface. As shown in Figure 3, the controller in Ishiyama only monitors an input buffer 21 and an output buffer 40 to provide a quantization factor Q 33.

In light of the above remarks relating to independent claims 1, 9, 13, 18, and 22, the remaining dependent claims are believed allowable for at least the reasons noted above.

Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP



Godfrey K. Kwan
Reg. No. 46,850

P.O. Box 778
Berkeley, CA 94704-0778
(510) 843-6200